

Bruce T. Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
July 05, 2016

CHRISTOPHER P. BURKE, ESQ.
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

CHRISTOPHER MICHAEL MARINO
VALERIE MARGARET MARINO

Debtors.

Case No.: BK-N-13-50461-BTB
Chapter 7

Hearing Date: 6-20-16
Hearing Time: 3:00 p.m.

**ORDER REGARDING MOTION TO REOPEN CHAPTER 7 UNDER 11 U.S.C.
§350 AND F.R.B.P. 5010 AND HOLD CREDITOR, OCWEN LOAN
SERVICING LLC IN CONTEMPT AND FOR SANCTIONS FOR VIOLATION
OF THE DISCHARGE INJUNCTION 11 U.S.C. §524 (a)(2)**

THIS MATTER having come before the Court on Debtors', CHRISTOPHER MICHAEL MARINO and VALERIE MARGARET MARINO ("Debtors" or "Marinos") Reopen Debtor's Chapter 7 under 11 U.S.C. §350 and F.R.B.P. 5010 and to Hold Creditor, Ocwen Loan Servicing, LLC ("Ocwen") in Contempt and for Sanction for its violation of the Discharge Injunction under 11 U.S.C. §524(a)(2) [Dkt. 27] filed by their counsel, Christopher P. Burke, Esq., ("Burke"), and Ocwen appearing through its counsel, and the Court having read the pleadings, with good cause appearing therefore;

1 IT IS THEREFORE THE ORDER OF THIS COURT, that Marinos' Motion for
2 Contempt for Violation of the Discharge Injunction under 11 U.S.C. §524(a) and Damages
3 Against Creditor, Ocwen, is hereby GRANTED as follows:

4 IT IS HEREBY ORDERED; Ocwen shall pay the \$260 reopening fee and \$500 in gas
5 as actual damages to the Marinos;

6 IT IS FURTHER ORDERED; Ocwen shall pay \$1,000 per letter, for the 19 letters
7 sent to the Marinos, for a total of \$19,000. In addition, Ocwen shall pay \$1,000 for each
8 of the 100 phone calls the Marinos received for a total of \$100,000, together totaling
9 \$119,000 for emotional distress damages to the Marinos;

10 IT IS FURTHER ORDERED; that Christopher Burke, Esq. shall file a fee application
11 for attorney fees and costs that Ocwen can object to if its chooses to, but Ocwen will have
12 to pay the amount of attorney fees the Court approves;

13 IT IS SO ORDERED.

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15 Respectfully submitted:

16
17 /s/ CHRISTOPHER P. BURKE, ESQ.
18 CHRISTOPHER P. BURKE, ESQ
19 Attorney for Christopher Michael Marino
20 and Valerie Margaret Marino
702 Plumas St.
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(775) 333-9277 Fax (775)329-1165

21 () approve () disapprove

22
23 no response

24 SEAN N. PAYNE, ESQ
25 Attorney for Ocwen Loan Servicing LLC
26 WRIGHT, FINLAY & ZAK LLP
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27 Las Vegas, NV 89117
(702) 475-7964 Fax (702)946-1345

ALTERNATIVE METHOD Re: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that:

_____ The court waived the requirements of approval under LR 9021 (b)(1).

_____ No parties appeared or filed written objections, and there is no trustee appointed in this case.

 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond as indicated below:

On June 27, 2016, to Sean N. Payne, Esq., Attorney for Ocwen Loan Servicing at email: *spayne@wrightlegal.net*

_____ No opposition was filed to the motion and no counsel appeared at the hearing.

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